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# **EXHIBIT A**

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

IN RE: DAIRY FARMERS OF  
AMERICA, INC. CHEESE  
ANTITRUST LITIGATION )  
 ) Docket No. 09 C 3690  
 )  
 ) Chicago, Illinois  
 ) October 3, 2013  
 ) 10:00 a.m.  
 )  
 )  
 )

TRANSCRIPT OF PROCEEDINGS  
BEFORE THE HONORABLE ROBERT M. DOW, JR.

## 10 | PRESENT:

11 For direct purchaser Plaintiffs: THEODORE B. BELL  
12 Wolf Haldenstein Adler Freeman  
13 & Herz LLC  
55 West Monroe Street  
Suite 1111  
Chicago, Illinois 60603

MARY JANE FAIT  
115 South LaSalle Street  
Suite 2910  
Chicago, Illinois 60603

CHRISTOPHER M. Mc GRATH  
Lovell Stewart Halabian Jacobson, LLP  
61 Broadway  
Suite 501  
New York, New York 10066

MARVIN A. MILLER  
Miller Law LLC  
115 South LaSalle Street  
Suite 2910  
Chicago, Illinois 60603

23 For Frank Otis: JESSICA ANN BAER  
K&L Gates  
24 70 West Madison  
Suite 3100  
25 Chicago, Illinois 60602

1 PRESENT: (Cont'd)

2 For Dairy Farmers: JOEL G. CHEFITZ  
3 DAVID L. HANSELMAN, JR.  
4 AMANDA J. METTS  
5 McDermott Will & Emery LLP  
227 West Monroe Street  
Chicago, Illinois 60606

6 For Schreiber Foods: NATHAN P. EIMER  
7 DANIEL D. BIRK  
8 Eimer Stahl LLP  
224 South Michigan Avenue  
9 Suite 1100  
Chicago, Illinois 60604

10 For Indirect purchaser  
11 Plaintiffs: ILAN CHOROWSKY  
12 ALEX STEPICK, IV  
Progressive Law Group LLC  
1 North LaSalle  
13 Suite 2255  
Chicago, Illinois 60602

14 MAX WILD  
15 WILD LAW GROUP, PLLC  
98 Distillery Road  
16 Warwick, New York 10990

17 For Gerald Bos: JACOB L. KAHN  
18 Schiff Hardin LLP  
233 South Wacker Drive  
19 Suite 6600  
Chicago, Illinois 60606

20 For Gary Hanman: ELLEN M. WHEELER  
21 Foley & Lardner  
321 North Clark Street  
22 Suite 2800  
Chicago, IL 60610

23 Court Reporter: Lois A. LaCorte  
24 219 South Dearborn Room 1918  
Chicago, Illinois 60604  
(312) 435-5558

1 and what position we want to take.

2 THE COURT: And is the question whether you ought also to  
3 still be counsel in addition to Ms. Fait or instead of Ms.  
4 Fait?

5 MR. BELL: That's on the table, your Honor, but I don't  
6 want to take a position prematurely on that.

7 THE COURT: That's okay. I'll let you work that out  
8 with your principal. I mean, Ms. Fait, I guess my  
9 understanding, and, of course, Judge Hibbler is the one who  
10 put all you guys in place, but my understanding is that the  
11 person who has, at least in my courtroom the person who has  
12 spoken most of the time on behalf of this group of plaintiffs  
13 is Ms. Fait.

14 So I get that, and I see other judges seem to be taking  
15 that position in their cases, but it's not necessarily to the  
16 exclusion of your firm. I don't want you to lay on the record  
17 out here your billing sheets to find out who has done what and  
18 who can contribute what. I guess my job is to make sure that  
19 the plaintiffs are adequately represented, but not  
20 overrepresented, I suppose, because there could be  
21 inefficiencies there and I guess that was the position your  
22 co-counsel from the other firm is taking.

23 MS. FAIT: I think that's everybody's primary  
24 consideration, is to represent the class fairly and as  
25 efficiently as possible.

1           THE COURT: Yes, and so I suppose what I ought to do is  
2 let you guys formulate your position. Your position may come  
3 around to Ms. Fait's position, as far as I can tell.

4           You have never been withdrawn from the case, though, have  
5 you?

6           MS. FAIT: No, your Honor.

7           THE COURT: So as far as I'm concerned, you're still in  
8 the case, and I hope I've got your right address here.

9           MS. FAIT: That's correct, 115 South -- North LaSalle.

10          THE COURT: We know where to find you then.

11          MS. FAIT: South LaSalle.

12          THE COURT: Okay, I know where that is. I used to be at  
13 190.

14          So I'll give you two weeks to come up with your position,  
15 and if your position turns out to dovetail in the end with Ms.  
16 Fait's, you can let me know that too. If it doesn't, then,  
17 Ms. Fait, if you want to respond to them or reply to them, I  
18 guess, I'm okay with that. I've got to work that out between  
19 you guys I think.

20          MS. FAIT: Okay. The only thing I would add is that  
21 when I left Wolf Haldenstein, I did bring the client with me,  
22 the plaintiff.

23          THE COURT: And I saw that, and the question really is,  
24 I suppose, are there lawyers at that firm who have a stake in  
25 this in some fashion that can represent the clients

1 effectively. That's what you guys need to figure out. And I  
2 don't want to do that on the record here. You guys can -- if  
3 I ultimately have to do that on the record, we can, but for  
4 now I want at least people to formulate their positions and  
5 give me some more time to digest what's in front of me.

6 So I just learned that two weeks from today is the 17th.  
7 In my mind it was the 16th because all these days are blending  
8 together after this trial. So the 17th you can let me know  
9 your position, and then, Ms. Fait, do you want some time to  
10 reply if you need to?

11 MS. FAIT: Just a week.

12 THE COURT: Okay, perfect.

13 MS. FAIT: Thank you.

14 THE COURT: Okay, let's put that issue off to the side  
15 for the moment. You're still in the case, everything -- as  
16 far as I'm concerned, you are what you were before all this  
17 came up, and the question is how to sort all you guys out.

18 MS. FAIT: Thank you, your Honor.

19 MR. MC GRATH: Your Honor, may I add one thing?

20 THE COURT: Yes, sure.

21 MR. MC GRATH: Chris McGrath from Lovell Stewart. We  
22 were appointed co-lead with Wolf Haldenstein.

23 We don't take a position as between Wolf Haldenstein or  
24 Ms. Fait, but we would oppose the appointment of a third lead  
25 counsel on the case.

# **EXHIBIT B**

**UNITED STATES DISTRICT COURT  
FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 5.1.1  
Eastern Division**

Text Messaging Antitrust Litigation, et al.

Plaintiff,

v.

Case No.: 1:08-cv-07082

Honorable Matthew F. Kennelly

Verizon Wireless, et al.

Defendant.

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**NOTIFICATION OF DOCKET ENTRY**

This docket entry was made by the Clerk on Tuesday, August 27, 2013:

MINUTE entry before the Honorable Matthew F. Kennelly: Status hearing held on 8/27/2011. Motion for Modification [720] is granted in part, appointing Fred Taylor Isquith of Wolf Haldenstein as a representative of the firm on the Plaintiff's Steering Committee. Mary Jane Fait is directed to file a written response to motion by 9/10/2013. Motion for protective order [723] is granted. The deposition of Dr. Baker is limited to seven hours. Status report is due by 10/15/2013. Status hearing is set for 10/17/2013 at 09:30 a.m. Mailed notice.(pjg, )

**ATTENTION:** This notice is being sent pursuant to Rule 77(d) of the Federal Rules of Civil Procedure or Rule 49(c) of the Federal Rules of Criminal Procedure. It was generated by CM/ECF, the automated docketing system used to maintain the civil and criminal dockets of this District. If a minute order or other document is enclosed, please refer to it for additional information.

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# **EXHIBIT C**

**UNITED STATES DISTRICT COURT  
FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 5.1.1  
Eastern Division**

Jim Morris, et al.

Plaintiff,

v.

Case No.: 1:08-cv-07082

Honorable Matthew F. Kennelly

Verizon Wireless, et al.

Defendant.

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**NOTIFICATION OF DOCKET ENTRY**

This docket entry was made by the Clerk on Wednesday, September 11, 2013:

MINUTE entry before Honorable Matthew F. Kennelly: The Court, having reviewed the response by attorney Mary Jane Fait to the motion for clarification, reaffirms her participation on the plaintiffs' steering committee. (mk)

**ATTENTION:** This notice is being sent pursuant to Rule 77(d) of the Federal Rules of Civil Procedure or Rule 49(c) of the Federal Rules of Criminal Procedure. It was generated by CM/ECF, the automated docketing system used to maintain the civil and criminal dockets of this District. If an order or other document is enclosed, please refer to it for additional information.

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